IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 3224 of 2006 (O&M)
Date of decision : 29.9.2006

Sarabjit Singh

....Appellant

Versus

Rajwinder Sandhu

...Respondent

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.R.K.Dhiman, Advocate
for the appellant.

...

MAHESH GROVER, J.(Oral)

This appeal has been filed by the owner of the car against the award of the Motor Accident Claims Tribunal, Jalandhar dated 12.4.2006 passed in M.A.C.T. Case No.66 of 2003.

In an accident which is said to have taken place on 7.12.2002, the Tribunal awarded a sum of Rs.1,79,445/- to the claimant on account of the injuries sustained by him in the said accident.

It was contended by the learned counsel for the appellant that initially when the claim petition was filed Mohan Singh, father of the appellant was attributed the cause of the accident. Both Mohan Singh and the appellant were initially arrayed as respondents No.1 and 2 in the original claim petition but subsequently the petition was amended and the accident was attributed to the appellant who is the son of Mohan Singh. Some of the witnesses who

had been examined prior to the amendment were not examined again and this, according to the appellant, had prejudiced his right to establish his innocence by cross-examining them after the amendment had been allowed.

We have anxiously considered the contention raised by the learned counsel for the appellant but are unable to persuade ourselves to agree to the same. The appellant while appearing as RW1 has testified that he was the owner of the Ford Ikon Car which had caused the accident. A criminal case was also registered against him vide FIR No.471 dated 23.12.2002 and that he was facing trial. No prayer regarding his false complicity has been made to any of the authorities. This ipso facto establishes his involvement in the accident. Besides, the appellant and his father Mohan Singh were both impleaded as respondents in the original claim petition and, therefore, had a right to cross-examine the witnesses. The amendment in any case was cosmetic and did not in any case affect the two crucial issues i.e. the factum of the accident and the injuries sustained by the claimant. That apart, the appellant is the son of Mohan Singh and collusion between the two cannot be ruled out.

There is thus no merit in the contention raised by the learned counsel for the appellant. The appeal being devoid of any merit is dismissed as such.

(MAHESH GROVER)
JUDGE

29.9.2006

(UMA NATH SINGH)
JUDGE

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